IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 19661 of 2007(N)

EA.156/2007 of PRL.MUNSIFF COURT, CHERTHALA
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PETITIONER:

KUNJU KUNJU, AGED 56 YEARS,
S/O.DEVASSY, NALU KANDATHIL, EZHUPUNNA.

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENTS:

EZHUPUNNA SERVICE CO-OP BANK LTD.NO.953
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL
SMT.V.SHYLAJA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.19661/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE EXECUTION PETITION WAS FILED BY THE RESPONDENT BANK BEFORE THE MUNSIFF'S COURT, CHERTHALA (FILE NO.3558/99).

EXT.P2:- COPY OF THE PETITION IN EA. NO.156/07 ON THE FILE OF THE MUNSIFF'S COURT CHERTHALA.

EXT.P3:- COPY OF THE ORDER DT. .13.6.07 IN EA. NO.156/07 IN THE FILE NO.3558/99 ON THE FILE OF THE MUNSIFF COURT, CHERTHALA.

/TRUE COPY/

P.S. TO JUDGE

tss

M.N.KRISHNAN, J

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W.P.(C) No.19661 OF 2007

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Dated this the 18th day of July, 2007

JUDGMENT

This writ petition is filed for a relief to set aside Ext.P1. The property in dispute had been sold in auction by the court and the decree holder, viz., the bank purchased the property obtained by a sale certificate and took delivery of the property and therefore the bank has become the title holder of the property. There was a direction by this court not to effect delivery, if it is not delivered till 2.30 P.M.on 26.6.2007. The learned Munsiff has informed that since it was not communicated to the court, the delivery was effected. Now the sale proceedings is complete by virtue of the delivery of the property. The Secretary of the bank had written a letter to the counsel for the petitioner in this case that the bank is prepared to give back the property comprised in Sy.No.80/10 & 10C of Ezhupunna Thekkumuri. The only method by which it could be done is to direct the decree holder bank to re-transfer the property in favour of the writ petitioner. Since the entire amount has been paid and as the bank has no objection, I direct the bank, in the light of the letter produced before me, to reconvey the property to the

writ petitioner at his expenses.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-